

MINUTES

The Mayor and Council met in regular session on Wednesday, September 29, 2014 at 6:00 p.m.

in the meeting room in City Hall.

PRESENT

Kimberly B. Lawson, Mayor
Charlotte Scott, Council Vice President
LaVerne Johnson, Councilwoman
Mike Atkins, Councilman
Erik Emely, Councilman
Mark Konapelsky, Councilman
Joyce L. Morgan, Clerk-Treasurer
Michael Sullivan, City Solicitor

Also in attendance; Valerie Swift, Secretary; Kathleen Garton; James Sterling; Phil Goldsborough; Ty Lane; John P. Tawes, III; Darlene Taylor; Bernard Ward; Lauree Evans; Deborah Gates; Deborah Horsey; Richard Crumbacker; Klauss & Nancy Trepczyk; Tillie Doyle; John Dize; Jason Loar; Ken Wilmer; Adam & Betsy Thompson.

INVOCATION, LORD'S PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Lawson called the meeting to order, opening with the Lord's Prayer and the Pledge of Allegiance.

Mayor Lawson noted that the discussion regarding the closure of a portion of Charlotte Avenue had been taken off of the agenda, due to the Chief not being able to be present.

Councilman Atkins advised anyone present for that matter to remain until the Public Input portion of the meeting.

MOTION TO ACCEPT AGENDA

At this time, Councilman Atkins made a motion to accept the agenda for this evening's meeting.

Motion seconded by Councilwoman Johnson and carried unanimously.

APPROVAL OF MINUTES

Councilman Atkins made a motion to accept, as written, the minutes from the meetings of September 4, 2014 (workshop), September 10, 2014 (closed), and September 10, 2014, (regular). Motion seconded by Council Vice President Scott, and carried unanimously.

APPOINTMENTS – MR. LEE ROY CARSON – RE: SEWER INCIDENT IN DECEMBER 2011

Mayor Lawson noted that the decision regarding this matter would be deferred until the first meeting in October.

Mr. Carson advised that he is there to answer any questions that the Council had for him concerning the incident, (paperwork provided for them, previously).

Councilman Konapelsky inquired as to what Mr. Carson was requesting. Mr. Carson advised that he is requesting the money that he was out for making repairs due to the sewer incident.

Councilman Emely made reference to the letter to Mr. Carson from Mr. Bradshaw which opened the door for the repairs. Mr. Carson noted that all of the fixtures, etc., had to be replaced. Councilman Emely also made reference to MISSU's claim that the City's Polygon had not been updated to show that this property was in City limits and needed marking.

A lengthy discussion followed concerning who was at fault and the time period involved.

Mr. Carson stated that he would like to have the matter settled by the next meeting, as advised by Mayor Lawson. He stated that the line was not back-flushed by the city, which caused the problem. He also stated that the City never got back with him after several attempts to settle the matter, therefore he waited for the new regime to address the matter. He also noted that he was not aware of the August 13 letter of denial.

Councilwoman Johnson stated that it is a blame-game, but not Mr. Carson's fault. She advised that she agrees with reimbursement.

Council Vice President Scott read the letter from the insurance company aloud and questioned who is liable; if Miller worked in an unmarked area; and how the City was to know that the polygon needed updating.

At this time, Councilman Emely made a motion that the City pay Mr. Carson the amount of \$4,743.58, (contingent upon Mr. Carson signing a waiver and release of all liability)*.

Motion seconded by Councilwoman Johnson.

Council Vice President Scott stated that Mr. Carson presented his case well, but who is at fault; Miller, MISSU, the Inspector, the lack of backwashing? She advised paying him and then going to Miller or our insurance company.

Councilman Atkins questioned that by paying Mr. Carson, if this is an admission of guilt. Mr.

Sullivan advised that LGIT determined that the City is not in fault, therefore there is no chance

that we will be reimbursed by LGIT; the cat is out of the bag. He advised that this would be a subrogation of the claim and advised that 3 years is not necessarily the statute of limitation.

Councilman Emely read the letter from the City stating that Mr. Carson would be covered.

Councilman Atkins noted that it does not say who would cover the cost or who was at fault.

Council Vice President Scott reiterated that the City didn't follow up, didn't backwash, etc., so we learn and do better next time. She added that everyone makes mistakes.

Councilman Konapelsky commented that it falls on the City, because Mr. Carson was instructed to go ahead and make the repairs. He commented that LGIT says we were not at fault and feels MISSU was at fault.

Mayor Lawson advised that he agrees and urged the Council to defer their decision until the next meeting.

Mr. Sullivan advised making the payment conditioned upon the waiver and release of all liability.

Mayor Lawson advised that the motion was on the floor. Mr. Carson advised that he agreed with the decision.

Councilman Atkins commented that two mistakes were made 1) the line was cut and 2) it was not backwashed. He stated that he doesn't want it to become a court issue.

At this time, the motion was carried unanimously.

Mr. Carson thanked the Mayor and City Council for their decision. Mayor Lawson thanked Mr.

Carson for the way he handled the matter.

UNFINISHED BUSINESS-DISCUSSION RE-ZONING OF PROPERTY LOCATED ON CALVARY & WOODSON SCHOOL ROAD

Mr. Sullivan advised that this would be changed by amending 112-2C of the zoning code which would amend the zoning map by Ordinance. He also advised that the Ordinance could be adopted as an emergency measure.

Mayor Lawson noted that it could be presented at the first meeting in October, with the 2nd reading at the 2nd meeting in October. Mr. Sullivan advised that it would go into effect 20 days after the 2nd reading.

Mayor Lawson directed Mr. Sullivan to draft an Ordinance for the meeting on October 8, 2014.

ZONING FEES – COUNCILMAN KONAPELSKY

Councilman Konapelsky noted that he is concerned about the cost of Special Exceptions and other special hearings, of \$350.00, which he feels is affecting the average business owner.

At this time, he made a motion to change the cost to go before the zoning board to \$150.00.

Motion seconded by Councilman Emely.

During discussion, Councilman Atkins made reference to the costs involved in going before the zoning board. Councilman Konapelsky stated that he understands the higher cost associated with rezoning, but not just for going before the board.

Councilman Atkins made reference to the cost in providing for a zoning variance.

Mayor Lawson noted that the Code requires the City to pay board members \$25 for attending

meetings, but during a past years budget meeting, it was determined not to pay the Boards. He advised that the City would need to repeal the Code to pay them, if the fees are lowered.

Councilman Atkins noted that he is not in favor of tax payers subsidizing the cost for changes.

Councilman Konapelsky advised that he is standing by his motion.

Council Vice President Scott inquired if a zoning variance and special exception are the same.

Councilman Konapelsky advised that they are not the same, but he is not sure of the details.

Council Vice President Scott inquired if the change to \$150 is for a special exception or a variance.

Councilman Atkins stated that none of them are sure about the actual fees or the costs involved.

Council Vice President Scott inquired if the intent is for the Board to only hear one case per day, what is the intent. Councilman Konapelsky advised that it is to allow more people the opportunity to be heard.

Mr. Sullivan advised that in that case, the City would need to establish a date for monthly BZA meetings, if we are going to do meetings in blocks.

Councilman Atkins advised that he is not sure of the fees for different appeals and the costs associated.

Further discussion made reference to the need for Mr. Sullivan at those meetings. Mayor

Lawson noted that at a Planning Commission meeting in June, Mr. Sullivan had to drive home

a point for the Board.

Council Vice President Scott commented that services have to pay for themselves. Councilman Emely advised that if two or more requests were heard, the costs would be covered.

After wrapping up this discussion, the motion carried with three “ayes” from Councilman Konapelsky, Councilman Emely, and Councilwoman Johnson. Councilman Atkins opposed, and Council Vice President Scott abstained.

Mayor Lawson advised that the City would have to look at the budget closely. He made reference to the need for a motion to eliminate the fees paid to Board members.

Councilman Atkins made a motion to eliminate the fees paid to BZA members. The motion died due to lack of a 2nd.

CITY MANAGER DISCUSSION – COUNCILMAN KONAPELSKY

Councilman Konapelsky stated that he had been asking for a City Manager since the first day and we need one more than ever. He then made a motion to establish a timeline to hire a City Manager by January 1, 2015, with the Clerk-Treasurer accounting of where money can come from, or borrowing the money to hire one. Motion seconded by Councilman Emely. During discussion, Councilman Emely read from the Code that the City “shall” have a City Manager.

Councilwoman Johnson stated that she feels we need a City Manager, but how we will keep paying one if we borrow the money. Councilman Konapelsky stated that the City is wasting

time on this; a good City Manager can find his own salary.

Councilman Atkins stated that the City had decided not to hire a City Manager because we could not afford one. He stated that former Mayor Purnell and current Mayor Lawson stepped up to do the job, at no cost to the City. He added that he can't support borrowing money to pay a salary, as it would be financial ruins.

Council Vice President Scott advised that she supports having a City Manager. She advised that Maryland Municipal League says that towns with City Managers are 10% more efficient.

Council Vice President Scott advised that the City needs to find the money first, adding that she is uncomfortable with borrowing money, but the City can't afford not to have one.

She stated that the first goal of the City would be to increase efficiency by 10% and cut costs by 10%, then hire a city manager.

Councilman Emely commented that it may take a year to find one.

Councilman Atkins also reminded Council that the City would need to re-structure government to give the city manager the power to do their job, as currently the power belongs to the Mayor. He stated that as the Code is currently written, a city manager would be an executive assistant to the Mayor.

Council Vice President Scott made reference to the process for hiring a City Manager; 1) change the code to restructure government, 2) job description, salary, and interview.

Councilman Atkins again questioned if city council was willing to borrow money to pay a

salary, as there is no money budgeted to pay this salary.

Mayor Lawson advised that he would like to comment. Councilman Emely stated that no comment was needed from the Mayor – the motion was made and seconded.

Mr. Sullivan reminded the Council that the appointment of city manager is done by the Mayor. Councilman Atkins stated that he wanted to hear from the Mayor.

Mayor Lawson commented that under the present Charter, the mayor appoints the city manager. He stated that this person has to be a leader. He advised that he has never said he doesn't want a city manager, but the city needs to look at additional sources of money such as charging hotels/motels a room tax. He advised the Council that they will have to back off of some of their own projects if they want a strong city manager.

Councilman Emely read aloud the section of the City Code concerning the powers and duties of the Mayor.

Councilwoman Johnson addressed Councilman Konapelsky about amending his motion concerning borrowing the money.

Councilman Konapelsky then amended his motion to say that the City would hire a city manager by January 1, 2015, having the Clerk-Treasurer look into available funds as well as the Council, and come up with the percentage we need to borrow in the event of a shortfall of funds. Motion seconded by Councilman Emely.

Councilwoman Johnson suggested amending the motion to remove "borrowing funds".

Councilman Konapelsky amended his motion to say that the City hire a city manager by January 1, 2015, with the clerk-treasurer reviewing the budget for money and for the Council to give advice of looking for the money and fund the city manager through the findings.

Councilman Konapelsky then made a final motion that the City of Crisfield hire a city manager by January 1, 2015. Motion seconded by Councilman Emely, and carried with abstention by Councilman Atkins.

NEW BUSINESS

EVENT APPLICATION – HALLOWEEN PARADE

Mayor Lawson reviewed the Event Application for the annual Halloween Parade to be held on Saturday, October 25th. Councilwoman Johnson made a motion to approve the Event Application, seconded by Councilman Atkins, and carried unanimously.

Mayor Lawson requested that the discussions regarding Airport Hangar Rental and the proposal for re-lending, through the City, to Scott Tawes for a purchase of 5.9 Acres on 7th Street, be deferred until the next meeting.

JANES ISLAND FEASIBILITY STUDY

Mr. Sullivan briefed the Mayor and City Council concerning the Janes Island Feasibility Study. He advised the cost of the study is \$700K, funded through Hurricane Sandy money. He advised that there should be no cost to the City, and requested approval to authorize Mrs. Morgan to execute the City's Certification agreement. So moved by Councilwoman Johnson, seconded by

Councilman Konapelsky and carried unanimously.

MAYOR AND COUNCIL Q & A AND DISCUSSION.

Councilman Atkins noted that the poles are up at CHS for the warning lights. Mayor Lawson advised that Mr. Frock and Mr. Drewer were waiting on the schematic from the manufacturer, which Mr. Drewer now has.

Councilman Konapelsky noted that Dock Days will be held this Saturday. Mr. Phil Goldsborough noted that this is a free event.

Council Vice President Scott noted that people are attending her "open door" sessions.

Councilman Emely made reference to a request from Eugene Evans for the lowering of a pole at the county dock at the Small Boat Harbor. He advised that Mr. Evans will take care of the lowering.

Mr. Emely also requested that a spread sheet of motions and Council action be compiled.

Councilwoman Johnson made reference to putting the Charlotte Avenue issue on the agenda for the next meeting. Mayor Lawson advised that he will check with Chief Tabor. She also advised that she would check with Darlene Taylor about a meeting date with It Takes a Village.

Councilwoman Johnson also noted that the First Street sign needs to be replaced. Councilman Emely also noted that the Chief did radar on Chesapeake Avenue.

Mayor Lawson made reference to the street paving packet he had provided for the Council and advised them to contact him with concerns. Councilman Atkins noted that Mercury Drive was

not on the list and is in terrible shape.

Mayor Lawson made reference to the State Highway presentation at the County Commissioners office on the 16th concerning the five year plan for 7th Street to the Depot. He advised that it was well received.

PUBLIC INPUT

Mr. Phil Johnson made reference to his rezoning request. Mayor Lawson advised that this would be presented through an Ordinance at the first meeting in October.

Mr. John Dize made reference to the need for a directional beach sign which he had addressed the previous administration about.

Mr. Bernard Ward made reference to diagonal parking on Main Street and suggested that it be reverted back to the old way of parking, due to the size of the vehicles parked there.

Mayor Lawson advised that he and Councilman Emely measured the parking spaces, which are 19,' and the vehicles are extending 5' beyond. He added that it is not working the way it is.

Councilman Emely advised that it is a big concern and needs to be addressed in a work session.

Mr. Klaus Trepczyk inquired as to when the rezoning ordinance would be presented. Mayor Lawson advised him that this would be at the next meeting on October 8th, 6:00 p.m.

There being no further business for discussion, Councilwoman Johnson made a motion to adjourn, seconded by Council Vice President Scott and carried unanimously.

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Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Joyce L. Morgan,
Clerk-Treasurer

Prepared by Valerie Swift, Secretary